

**COST OF GOVERNMENT COMMISSION
MINUTES
“Hybrid-Remote” Via BlueJeans Videoconference
and
In-Person, Mayor’s Conference Room, 9th Floor, Kalana O Maui Building
October 19, 2022**

PRESENT: Michael Williams, Chair
Daniel O’Brien, Vice Chair
Evan Dust, Member
Paula Heiskell, Member
Lu Ann Lankford-Faborito, Member
Sarah Simmons, Member
Poerava Tehiva, Member

EXCUSED: Spencer Lau, Member

STAFF: Daniel Kunkel, Deputy Corporation Counsel
Shelley Pellegrino, Technical Writer for the Commission
Lance Taguchi, County Auditor
Robin Arita-Chang, Office of the County Auditor

DOCUMENTS RECEIVED:

Correspondence

- [October 4, 2022 Email from County Auditor to Cost of Government Commission Regarding “Financial Impact Analysis of Proposed Amendments to the Maui County Charter \(Project No. 23-02\)”](#)

Minutes

- Draft [September 8, 2022 Draft Commission Minutes](#)

I. CALL MEETING TO ORDER

Chair Williams called the meeting to order at 10:00 a.m.

II. ROLL CALL

Chair Williams took roll. Commissioners Dust, Heiskell, Lankford-Faborito, Simmons, Tehiva, Vice-Chair O’Brien, and Chair Williams were present. Commissioner Lau was excused. There is one vacancy. All commissioners appeared remotely via BlueJeans.

III. PUBLIC TESTIMONY

There was no public testimony.

IV. REVIEW CORRESPONDENCE RECEIVED

[October 4, 2022 Email from County Auditor to Cost of Government Commission Regarding “Financial Impact Analysis of Proposed Amendments to the Maui County Charter \(Project No. 23-02\)”](#)

Commissioner Dust stated that it was his understanding that the Auditor was unable to estimate a potential cost regarding the establishment of the community water authorities. He asked whether it is primarily because the Auditor cannot predict what likely actions the authority might take. Mr. Taguchi responded that any cost estimate would be affected by factors not under the control of the County.

Mr. Taguchi noted that there are four areas where the cost was unknown. The first is government restrictions (e.g., State jurisdiction). The second is legal entanglements (e.g., easements, contested cases). The third is practical constraints (e.g. civil service requirements). The fourth is cultural considerations (e.g., contention regarding the amount of water in the streams). Therefore, Mr. Taguchi thought it would be better to indicate “unknown” rather than put a number down because so many of the variables are out of the County’s control.

V. REVIEW AND APPROVE [SEPTEMBER 8, 2022 DRAFT COMMISSION MINUTES](#)

Vice-Chair O’Brien moved to approve the September 8, 2022 meeting minutes, and Commissioner Heiskell seconded the motion. Chair Williams asked that the minutes be corrected to add Commissioner Simmons to the list of members present. There was no further discussion. The Commission approved the minutes as corrected unanimously (7-0; one excused; one vacancy).

VI. COUNTY AUDITOR’S UPDATE

There was no County Auditor update. Mr. Taguchi expressed his appreciation to his staff for the work they did on the financial impact analysis of the proposed Charter amendments.

VII. DISCUSS COST OF GOVERNMENT COMMISSION FISCAL YEAR 2024 PROPOSED BUDGET

There was no public testimony.

Chair Williams stated that he thought that the budget could remain the same as the current fiscal year. Commissioner Dust asked the Commission to consider some type of inflationary adjustment for the technical writer.

Chair Williams asked for comment from the County Auditor. Mr. Taguchi responded that it would be difficult for him to comment because the work is dependent on the amount of work assigned to the technical writer. Mr. Taguchi also asked the Commission whether it planned to continue meeting virtually because in-person meetings would require additional funds such as ferry tickets, rental cars, and per diem costs. Chair Williams stated that he preferred to meet virtually through the end of the Commission term (March 31, 2023). He also thought virtual meetings helped with attendance from commissioners who live in Hana and Moloka’i. That

said, Chair Williams stated that he thought Commissioner Dust's request regarding an inflationary bump was not unreasonable.

Chair Williams asked the County Auditor to confirm the current Commission budget, and Mr. Taguchi stated that he would provide the information at the next meeting. The Commissioner deferred the item to the November meeting.

VIII. TEMPORARY INVESTIGATIVE GROUP (TIG) UPDATES

Chair Williams explained that Temporary Investigate Groups are not permitted to provide any updates at regular meetings. He noted, however, that each of the current TIGs have no more than two members, and it is his understanding that two members can confer as long as they do not commit to vote.

IX. INVESTIGATION (NON-TIG) UPDATES

A. Access to Public Documents Filed in County Litigation (Chair Williams)

Chair Williams reported that earlier in the morning, he attended the first hour of the Real Property Board of Review, which hears tax appeals. At the meeting was a representative of five Maui hotels, which claim the assessors have overvalued the hotel tax assessments by \$1 billion. Chair Williams had to leave the meeting, so he was unable to hear the hotel representative's presentation.

B. County Real Property Tax Policies (Chair Williams)

- Review and Possibly Approve [Draft Report on County Real Property Tax Options](#)

There was no public testimony.

Chair Williams expressed his appreciation to Commissioner Dust for his comments and suggestions on the draft report. He also expressed his appreciation to Ms. Pellegrino for her review and edits.

Commissioner Lankford-Faborito moved to approve the Draft Report on County Real Property Tax Options. Commissioner Heiskell seconded the motion. The motion was approved unanimously (7-0), with one absence and one vacancy.

C. State-County Partnership to Provide Solar Energy Power to Wailuku-Kahului Wastewater Reclamation Facility (Chair Williams, Vice-Chair O'Brien)

Chair Williams and Commissioner O'Brien indicated that they had no update.

D. County of Maui Unfunded Liabilities (Commissioners Lau and Simmons)

Commissioner Simmons stated that she and Commissioner Lau scheduled a meeting with Mr. Taguchi to discuss a report on unfunded liabilities he prepared a few years ago.

X. DISCUSS AND POSSIBLY APPROVE CONVERTING TEMPORARY INVESTIGATIVE GROUPS (TIG) TO NON-TIG INVESTIGATIONS

There was no public testimony.

Commissioner Dust moved to dissolve the TIGs and Vice-Chair O'Brien seconded the motion.

During discussion, Vice-Chair O'Brien asked why the Commission would convert the TIGs to non-TIGs. Chair Williams responded that under the Sunshine Law, the Commission cannot receive updates from TIGs; rather, a TIG can only report once its investigation is complete. Because the Commission does not have TIGs with more than two people, it is redundant to call them TIGS because two people can work together.

The Commission voted unanimously (7-0) in favor of the motion, with one excused and one vacancy.

A. Visitor Accommodations — Policy Options for Management (Chair Williams, Vice-Chair O'Brien)

Chair Williams stated that he hoped he would have a draft report ready for the December meeting. Vice-Chair O'Brien offered to assist following election season. Commissioner Dust asked whether Chair Williams could pass on any work to another commissioner. Chair Williams responded that about a year prior, he had gathered information on recycling wastewater and on expanding the Upcountry freshwater system, but since that time, the Administration and Council have been working to address some of the issues.

B. Capital Improvement Project Budgets of Department of Water Supply and Department of Environmental Management (Chair Williams)

Chair Williams stated that he had no update and was unlikely to be able to work on the issue prior to the end of his term in March 2023.

Commissioner Dust stated that he thinks there is a more important question to be explored, namely that CIP projects take an inordinate amount of time. Commissioner Dust pointed to the North-South Collector Road in Kihei as being representative of the issue. Commissioner Dust is interested in what capacity the County has to pursue capital projects and whether the County is doing it in a way that is cost effective and "delivery effective." He is also interested in exploring how Maui County's CIP program compares with other counties within the State and on the Mainland.

Chair Williams asked Commissioner Dust to draft a revised scope that could be reviewed at the November meeting. Commissioner Dust stated that he would be happy to help.

C. County Road Safety (Commissioners Dust and Heiskell)

Commissioner Dust stated that he and Commissioner Heiskell met with Public Works Director Jordan Molina and that the meeting raised more questions than it answered, specifically about how the Department operates. Some of the concerns include traffic safety not being treated systematically, that there is not enough retention pay, and that there may be a sense that the County system is so deficient, why bother figuring out how deficient it is. He is interested in talking with Corporation Counsel because it may be a situation of "if we don't know, then we're not liable."

Commissioner Heiskell added that the Department suffers from being understaffed. Chair Williams noted that the Department of Water Supply, Police, Fire, and others have the same problem and that part of the issue has to do with affordable housing. Specifically, it is difficult to keep people working here if they cannot afford a home.

XI. DISCUSS POTENTIAL TOPICS TO REVIEW AND POSSIBLE ESTABLISHMENT OF TEMPORARY INVESTIGATIVE GROUPS (TIGS)

No new topics were discussed.

XII. DETERMINE NEXT MEETING DATE AND AGENDA

The next Commission meeting is scheduled for November 10, 2022.

XIII. ADJOURNMENT

The meeting adjourned at 11:03 a.m.